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In re Application of
GOMI et al.
U.S. App. No. 10/525,222
PCT No.: PCT/JP03/10076
Int. Filing Date: 07 August 2003
Priority Date: 28 August 2002
Attorney Docket No.: .059349.00023
For: LEGGED MOBILE ROBOT

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is in response to applicants' "Petition under 37 CFR 1.181" filed 25 October 2007 to reconstruct the application and accord a receipt date of 22 February 2005 to the above-identified national stage application under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 07 August 2003, applicants filed international application PCT/JP03/10076 which claimed a priority date of 28 August 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 March 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 February 2005.

On 25 October 2007, applicants filed the present petition forwarding copies of papers filed on 22 February 2005. These papers consisted of, *inter alia*: 1) a transmittal requesting entry into the national stage in the United States; 2) an English language translation of the International Application of PCT/JP03/10076; 3) an oath or declaration of the inventors; 4) an Information Disclosure Statement; 5) an assignment for recording; 6) a first preliminary amendment; and 6) a copy of a postcard receipt dated 22 February 2005.

DISCUSSION

Applicants state in their present petition that a U.S. National Stage application was received at the United States Patent and Trademark Office on 22 February 2005. Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

As stated above, the best evidence of what was actually received by the Office on a particular date is a copy of a stamped postcard receipt that was filed with papers in question and contains a specific itemization of all items being submitted. In the present instance, applicants have provided a post card receipt dated 22 February 2005 which shows the following papers being filed: a 1) a transmittal requesting entry into the national stage in the United States; 2) an English language translation of the International Application of PCT/JP03/10076; 3) an oath or declaration of the inventors; 4) an Information Disclosure Statement; 5) an assignment for recording; 6) a first preliminary amendment. The papers filed 25 October 2007 are accepted as the contents of application number 10/525,222 and will be used to reconstruct the PTO application file. The papers will be given a receipt date of 22 February 2005.

The evidence submitted by petitioner is sufficient to establish that on 22 February 2005 the United States Designated/Elected Office (DO/EO/US) received national stage application papers for this application including the basic national fee.

Applicants are reminded that the actual filing date of the present application is considered to be the international filing date, 07 August 2003. The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage are completed. (See MPEP §1895.01)

CONCLUSION

Applicants' petition requesting that the application papers filed on 25 October 2007 be accorded a receipt date of 22 February 2005 is **GRANTED**.

The application is being returned to United States Designated/Elected Office for further processing.



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